

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-6, 10-15, 20, and 21 are presently pending in this case. Claims 1, 10, 11, 20, and 21 are amended by the present amendment. As amended Claims 1, 10, 11, 20, and 21 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 1, 3-6, 10-15, 20, and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Sie et al. (U.S. Patent No. 7,240,359, hereinafter “Sie”) in view of Fuller (U.S. Patent No. 5,818,512) and further in view of Bendinelli et al. (U.S. Patent No. 6,792,618, hereinafter “Bendinelli”) and Vasilevsky et al. (U.S. Patent Application Publication No. 20050166258, hereinafter “Vasilevsky”).

The outstanding rejection is respectfully traversed.

Amended Claims 1 and 11 recite in part:

reproducing means for reproducing the received stream data;
switching means for switching an input between an input from said reproducing means and another input;
communicating means for communicating with an **external** transmitting source of said stream data, each external transmitting source having a URL;
history storing means for storing the URL of the external transmitting source of the stream data and a stop point for each stream data that is stopped; and
stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data, ***said stream switching means reading the stop point of the second stream data from the history storing means and then accessing the second stream data from a***

¹See, e.g., the specification at paragraphs 73-76 of the publication.

corresponding external transmitting source from the stop point of the second stream data,

The present inventors recognized that local storage of video data for a DVR such as in HDD 101 in Figure 1 is an added expense to each receiver 100. Accordingly, a system where the video data is ***not*** locally stored in the receiver is recited in Claims 1 and 11, while still allowing each user to personally control playback. This is done by storing in each receiver a history including a stop point for each stream data received by the receiver from an external transmitting source. When a user switches from one stream data to another, the receiver reads the stop point for the new stream data and then accesses that stream data from an external transmitting source starting from the stop point. Thus, not only is local storage of the entire program unnecessary, none of the program needs to be stored locally. Since only the history data is stored locally, the memory in each receiver can be much less than a system that locally stores program data.

Sie describes two possible embodiments of a programming distribution system. In the first, a user can pause, rewind, or fast-forward a program designated as a club program and provided on a user dedicated channel.² However, due to the limited resources of the system, Sie only describes that one channel is provided for a limited time for each user. Thus, modifying such a system to allow for multiple stop points as recited in Claims 1 and 11 would be a major redesign of such a system. Dramatically more resources would be necessary to allow each user to start and stop multiple programs over an indefinite amount of time.

In the second embodiment described by Sie, a user can be granted playback control of a club program. It is noted that column 13, lines 17-26 states that the program could be stored locally or remotely. However, it is respectfully submitted that this refers to long-term storage of the program before it is actually played. When actually playing the program, each

²See Sie, column 10, lines 1-15.

of the embodiments described from column 13, line 27 to column 16, line 14 involve local storage of at least a portion of the program. Again, the claimed invention does not locally store any part of program.

In this regard, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Further, if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). In this case, it is respectfully submitted that a proposed modification of Sie to create the claimed invention would certainly be a substantial redesign of Sie; as such a modification would prevent any local storage of program data. Further, such a modification may make Sie unsuitable for its intended purpose, as all embodiments apparently include local storage of the video, and it is unclear how the device of Sie could operate without local storage of video data.

Consequently, Claims 1 and 11 (and Claims 3-6 and 12-15 dependent therefrom) are patentable over Sie in view of Fuller and further in view of Bandinelli and Vasilevsky.

Amended Claim 10 recites in part:

communicating with an ***external*** transmitting source of said stream data; and
switching between two inputs from said reproducing, said switching between two inputs from said reproducing including pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data to change from the first stream data to the second stream data, and storing both the stop point of the first stream data and the stop point of the second stream data, ***said switching including reading the stop point of the second stream data and then accessing the second stream data from a corresponding external transmitting source from the stop point of the second stream data,***

As noted above, Sie appears to only describe embodiments where the data is stored locally when actually played back. Accordingly, it is respectfully submitted that a proposed modification of Sie to create the claimed invention would certainly be a substantial redesign of Sie; as such a modification would prevent any local storage of program data. Further, such a modification may make Sie unsuitable for its intended purpose, as all embodiments apparently include local storage of the video, and it is unclear how the device of Sie could operate without local storage of video data. Thus, as there is no suggestion or motivation to make the proposed combination, Claim 10 is also patentable over Sie in view of Fuller and further in view of Bendinelli and Vasilevsky.

Amended Claims 20 and 21 each recite in part:

a communicating unit configured to communicate with an ***external*** transmitting source of said stream data, each external transmitting source having a URL;
a history storing unit configured to store a history including the URL for the external transmitting source of the stream data and a stop point for each stream data that is stopped; and
a stream switching unit configured to switch between two inputs from said reproducing unit, said stream switching unit configured to pause a first stream data at a stop point of the first stream data and to reproduce a second stream data from a stop point of the second stream data when the stream switching unit is actuated to change from the first stream data to the second stream data, said history storing unit configured to store both the stop point of the first stream data and the stop point of the second stream data, ***said stream switching unit configured to read the stop point of the second stream data from the history storing unit and then configured to access the second stream data from a corresponding external transmitting source from the stop point of the second stream data,***

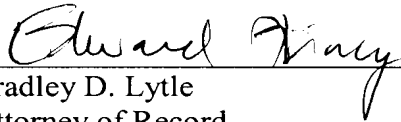
As noted above, Sie appears to only describe embodiments where the data is stored locally when actually played back. Accordingly, it is respectfully submitted that a proposed modification of Sie to create the claimed invention would certainly be a substantial redesign

of Sie; as such a modification would prevent any local storage of program data. Further, such a modification may make Sie unsuitable for its intended purpose, as all embodiments apparently include local storage of the video, and it is unclear how the device of Sie could operate without local storage of video data. Thus, as there is no suggestion or motivation to make the proposed combination, amended Claims 20 and 21 are patentable over Sie, Fuller, Bendinelli, and Vasilevsky.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998